

## CHAPTER 26

### ACCESSORY USES, BUILDINGS AND STRUCTURES

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#### Section 26.010. Purpose.

This Chapter identifies the requirements and general provisions, applicable in all zoning districts, for accessory uses, buildings and structures which are incidental and subordinate to the principal use and which are located on the same lot.

Accessory uses, buildings and structures, incidental and subordinate to an established and authorized use as defined in Chapter 39, may be approved by the Zoning Administrator, provided that such accessory use, building and structure conform to the requirements of this Chapter. Approval of an accessory use, building or structure may be reviewed and approved concurrently with the review and approval of the principal use or as an independent review and approval following the establishment of the principal use.

#### Section 26.020. General Requirements.

*(Amended 11/18/08)*

In addition to the use limitations and other regulations for the zoning district in which the accessory use, building or structure is proposed, no accessory use, building or structure shall be allowed unless it complies with the following requirements:

- A. all accessory use(s), building(s) or structure(s) shall be incidental and subordinate to the principal use or structure in area, extent, and purpose.
- B. an accessory use, building or structure shall be under the same ownership or control as the principal use or structure.

C. no accessory use, building or structure shall be established or constructed before the principal use is in operation or the structure is under construction in accordance with the requirements of this Code.

D. no signage shall be approved or maintained in connection with an accessory use or structure.

E. no accessory building or structure shall include a residential dwelling or have kitchen facilities or be rented or otherwise used as a separate dwelling.

F. agricultural buildings used for agricultural purposes only, such as barns, silos, bins, and farm machinery sheds in the TH-5, A-5, A-1 and RA-1 Agricultural zoning districts shall not be considered accessory buildings. Such buildings are principal agricultural buildings and shall comply with the bulk and intensity requirements of the zoning district they are located in.

#### Section 26.030. Accessory Dwelling Units.

*(New 08/28/18)*

One Accessory Dwelling Unit or ADU may be allowed in an owner-occupied single-family detached home after obtaining all required permits and approvals. Any person constructing or causing the construction of an ADU shall first obtain a permit from the Planning Division. As long as the unit is rented and in use, an active ADU license is required, and the ADU shall meet the following:

A. Owner Occupancy Required. The owner of the primary residence shall live in the dwelling in which the ADU was created. The owner shall sign an affidavit therein stating that the primary dwelling will be owner occupied. This affidavit shall be recorded against the property and is required for all owners of the property who operate an accessory dwelling unit.

B. Appearance. The ADU shall not alter the appearance of the structure as a single-family residence. The structure shall not show external evidence of occupancy by more than one family.

C. Parking. ADUs shall provide off-street parking at a rate of either two stalls per unit or one stall per bedroom, whichever is greater. The minimum stall size is 9x20 feet. A lighted walkway must connect from the parking area to the entrance of the ADU. Parking areas shall be constructed of an appropriate material as set forth in Section 37.070(B)(4).

D. **Size.** The floor space of an ADU shall comprise no more than 49% of the living area of the primary dwelling.

E. **Zoning.** ADUs shall only be allowed in single-family detached residential homes. ADUs shall not be allowed in any Planned Unit Developments, Planned Residential Developments, Resort Communities, or Planned Communities.

F. **Lot Size.** The lot for a single family home with an ADU shall have a minimum 80 feet of frontage on a public street and be a minimum of 8,000 square feet in size.

G. **Building Division Approval.** In addition to the approval required from the Planning Division, all ADUs shall be required to obtain a building permit from the Building Division, and shall conform to all applicable standards in the City's adopted building codes. The applicant shall obtain all necessary building permits and pay all applicable fees, including impact fees, prior to constructing the ADU.

H. **Compliance with CC&Rs and other neighborhood regulations.** All accessory apartments shall be subject to any conditions, covenants, and restrictions (CC&Rs) or other neighborhood regulations that may apply to the subject property.

## **Section 26.040. Location of Accessory Buildings.**

(Amended 10/25/05; 7/10/07; 05/08/18)

A. **Front Yards.** All accessory buildings and structures are prohibited in any required front yard area.

B. **Side Yards.** The location of all accessory buildings and structures shall be as follows:

### **1. Agriculture, Residential, Mixed Use and Planned Community Districts.**

(a) All accessory buildings and structures shall maintain the side yard required for the principal building, except that accessory buildings and structures located either at least six (6) feet to the rear of the principal building or have a minimum 10 foot setback from the principal building may have a minimum side yard of sixteen (16) inches, provided the accessory building or structure complies with the requirements of the International Building Code and International

Fire Code.

(b) Accessory buildings and structures shall not be located closer than 12 feet to a dwelling on an adjacent lot or property and shall not be located within any required utility easement(s).

### **2. Other Districts.**

(a) Accessory buildings and structures may be built to the side lot line in the Commercial (C), Technology and Manufacturing (T-M), Business Park (BP), Light Industrial (LI), Historical/Industrial (HI) and Industrial (I) districts provided the building and structure complies with all applicable requirements of the International Building Code, the International Fire Code and is not located within any required utility easement(s) and is not subject to the requirements of Section 12-080(A)(2) of this Code.

### **3. Corner Lots.**

(a) Notwithstanding Section 26.030 (B) (1) and Section 26.030 (B) (2) all accessory buildings and structures shall maintain the minimum corner side yard required for the principal building as identified in Table 05-040-A, Table 05-040-B and Table 05-040-C.

C. **Rear Yards.** The location of accessory buildings and structures shall be as follows:

### **1. Agriculture, Residential, Mixed Use and Planned Community Districts.**

(a) Accessory buildings and structures shall maintain the rear yard requirements for the principle structure as identified in Table 05-040-A, but may be located within sixteen (16) inches of the rear property line provided that the accessory building or structure is not subject to the requirements of Section 12-080 of this Code and it meets all the applicable requirements of the International Building Code and the International Fire Code; except that accessory buildings and structures located in the rear yards of corner lots, located adjacent to the side yard of an adjacent lot shall not be closer than ten (10) feet to the rear property line and is not located within any required utility easement(s).

### **2. Other Districts.**

(a) Accessory buildings and structures may

be built to the rear lot line in the Commercial (C), Technology and Manufacturing (T-M), Business Park (BP), Light Industrial (LI), Historical/Industrial (HI) and Industrial (I) districts provided the building or structure is not subject to the requirements of Section 12-080 of this Code and it complies with all applicable requirements of the International Building Code and the International Fire Code and is not located within any required utility easement(s).

#### **Section 26.050. Maximum Coverage of Accessory Buildings and Structures.**

No accessory building(s) or structure(s) shall cover more than 30% of the rear yard of any lot or parcel as identified in Table 05-040-A, Table 05-040-B and Table 05-040-C, consistent with the requirements of Section 12-020(G) of this Code.

#### **Section 26.060. Maximum Height of Accessory Buildings and Structures.**

*(Amended 11/18/08)*

A. All accessory buildings and structures shall be limited to one story.

B. The maximum height of an accessory building shall be according to the following table:

<b>Zone District Classification</b>	<b>Max. bld. Height</b>
TH-5, A-5, A-1, RA-1(>22,000 sq. ft.), R-1-22	28 ft.
RA-1 (< 22,000 sq. ft.), R-1-15, R-1-12, R-1-10, R-1-8, R-2, R-2.5, R-3, MU, PC, RC, all other non-residential zones.	24 ft.

#### **Section 26.070. Architectural Considerations.**

*(New 11/18/08)*

Exterior building materials including roofing and architectural designs and colors used for accessory buildings and structures shall be comparable to, or architecturally harmonious with, the existing main residential structure.

#### **Section 26.080. Handicapped Access.**

*(Amended 11/28/06)*

Uncovered handicapped access ramps are required to comply with the provisions of Section 12-020(E)(1).

Covered handicapped ramps or any other covered facilities for handicapped access that encroach into required setback and yard areas may be authorized by the Planning Commission as a Conditional Use by following the requirements and procedures of Chapter 9.

#### **Section 26.090. Accessory Uses.**

*(Amended 10/14/03)*

Tennis courts are required to maintain a minimum setback from side and rear property lines of fifteen feet and must not be located within any required utility easements. Swimming pools are required to maintain a minimum setback from side and rear property lines of four feet as identified in Section 12.020(E)(2) and must not be located within any required utility easements.